

GUIDING PHRASES FOR WORKING WITH WHISTLEBLOWERS

This document provides guiding phrases for whistleblower intake and follow-up. It can be paired with the **Case Management Intake Workflow Infographic**. For comprehensive guidance, see the **Manual: Best Practices for Working with Whistleblowers**. Language may need to be tailored for your office's practices. Note that red text may be situationally applicable or intended for staffer background information.

ADVANCE DISCLAIMERS TO PROVIDE

- Before we move forward, I want you to be aware of some key disclaimers
- There are broad protections for communicating with Congress, and you may be covered by them, but I'm sensitive to the reality that whistleblowers commonly experience retaliation
- Our office can't provide legal advice, but as a best practice we recommend you consult experienced counsel
- It's generally advisable to blow the whistle on your own time and with your own resources
- We're committed to protecting your desired confidentiality but there may be limitations we'll discuss

KEY FACTS AND AREAS FOR DISCUSSION

- Our office won't act on information you provide without your permission
- To start, please summarize your concerns/goals
- Do you have legal counsel advising you on your decision to speak with Congress? **[knowledgeable counsel can help you determine the best course of action]**
- Some whistleblowers are comfortable being public facing—others want their identity to remain confidential. Are you seeking to remain confidential?
- Our office will do its utmost to protect your desired confidentiality, but it cannot be guaranteed
- Some factors are beyond our control and will require that you take additional precautions **[e.g., camouflaging your digital footprint or unique facts]**
- Please don't provide any documentary evidence at this stage – if it becomes necessary, I'll follow up **[there are risks inherent with sharing documents and it is best to proceed cautiously]**

MANAGING EXPECTATIONS

- Our office has limited bandwidth and jurisdiction. We don't have capacity to look into all cases, but...
- I realize this is difficult, and at minimum I can provide guiding resources, such as survival tips to keep in mind **[see Ombuds' Whistleblower Audience page]**. I also may be able to identify relevant referrals and laws
- Let me evaluate how best to proceed, and I'll contact you within **[office determined timeframe]**

INVESTIGATE FURTHER

- Let's plan together how my office can safely look into these concerns. I will need your guidance and follow-up support throughout this process to make sure we're on the same page
- To start, can you provide a timeline of key events?
- To mitigate potential risks of document sharing, can you provide written summaries of key evidence? Then we can identify if there are alternative ways for my office to obtain what we need while masking you as the source
- Do you have trusted colleagues who share your concerns and may speak with our office? Additional witnesses will strengthen potential oversight and make it more difficult for the employer to discredit the whistleblowers **[remind them to test waters cautiously]**
- Have you made your disclosures within your workplace or to other entities? If so, please provide me with a summary of the status of those disclosures and any related findings. This information will help to inform potential support throughout our follow up work
- Is it ok for my office to contact the offices you have already engaged or other relevant third parties **[raise Privacy Act waiver as applicable]**? Will you help me to screen my office's inquiries in advance for any information that could identify you? **[if confidential]**
- Before I look into these concerns, are there any limits around my office's use of your information?
- Thank you, this guidance will help me look into your concerns and evaluate next steps. While the exact timing is out of my control, I will do my best to keep you apprised of developments and reach out if I need further information. Please keep me apprised of relevant developments **[determine best methods for communication]**

IF YOUR OFFICE DECIDES NOT TO PROCEED

- Our office takes these allegations seriously and we have carefully considered what you shared. However, we will not be proceeding with an investigation at this time **[given jurisdiction/capacity/other]**
- There may be other governmental offices and whistleblower support groups for consideration. I will/have share(d) these resources with you. Consider consulting knowledgeable counsel before acting on governmental referrals
- I appreciate your time and candor with us and encourage you to reach back out if other issues arise that are within our office's jurisdiction

CLASSIFIED DISCLOSURES

If the matter/evidence may be classified, pause and consult the Office of the Whistleblower Ombuds and the House Security Office for guidance.